

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Douglas S Altemus
Leah M Altemus
Debtor(s)

Bankruptcy Case No.: 18-70047-JAD
Issued Per Aug. 9, 2018 Proceeding
Chapter: 13
Docket No.: 35 – 13, 29
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 12, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 2-2; AmeriHome Mortgage Co., LLC at Claim No. 10 .
- ☒ H. Additional Terms: The secured claims of Ally Bank at Claim No. 1 and ONEMAIN at Claim No. 3 shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: August 13, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Douglas S Altemus
 Leah M Altemus
 Debtors

Case No. 18-70047-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

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 Total Noticed: 23

Date Rcvd: Aug 13, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 15, 2018.

db/jdb
 14805432 +Douglas S Altemus, Leah M Altemus, 310 Shawnee View Road, Central City, PA 15926-8225
 +AMERIHOM MORTGAGE COMPANY, LLC, CENLAR FSB, BK Department, 425 PHILLIPS BLVD.,
 EWING, NJ 08618-1430
 14764608 +Amerihome Mtg Co, LLC, 21300 Victory Blvd Ste 2, Woodland Hills, CA 91367-2525
 14764610 +Credit Protection Asso, 13355 Noel Rd Ste 2100, Dallas, TX 75240-6837
 14800682 Directv, LLC, by American InfoSource LP as agent, PO Box 5008,
 Carol Stream, IL 60197-5008
 14764613 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 14793102 +Peoples Natural Gas Company, LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14804794 Pinnacle Credit Services, LLC its successors and, assigns as assignee of Cellco,
 Partnership d/b/a Verizon Wireless, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14767324 E-mail/Text: ally@ebn.phinsolutions.com Aug 14 2018 01:56:29 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 14764607 +E-mail/Text: ally@ebn.phinsolutions.com Aug 14 2018 01:56:29 Ally Financial,
 200 Renaissance Ctr, Detroit, MI 48243-1300
 14806377 E-mail/Text: BankruptcyNotices@aafes.com Aug 14 2018 01:56:31
 Army & Air Force Exchange Services, Attention: GC-G, 3911 S. Walton Walker Blvd,
 Dallas, TX 75236
 14764615 E-mail/Text: BankruptcyNotices@aafes.com Aug 14 2018 01:56:31 Military Star,
 3911 S Walton Walker Blv, Dallas, TX 75236
 14764609 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 14 2018 01:51:31 Capital One,
 Po Box 30281, Salt Lake City, UT 84130-0281
 14764611 +E-mail/Text: electronicbkydocs@nelnet.net Aug 14 2018 01:57:14 Dept Of Education/neln,
 121 S 13th St, Lincoln, NE 68508-1904
 14764612 +E-mail/Text: bankruptcynotices@dcicollect.com Aug 14 2018 01:57:32 Diversified Consultant,
 P O Box 551268, Jacksonville, FL 32255-1268
 14764614 E-mail/Text: cio.bncmail@irs.gov Aug 14 2018 01:56:38 IRS,
 Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
 14771355 E-mail/PDF: cbp@onemainfinancial.com Aug 14 2018 01:52:41 ONEMAIN, PO BOX 3251,
 EVANSVILLE, IN. 47731-3251
 14764616 +E-mail/PDF: cbp@onemainfinancial.com Aug 14 2018 01:52:02 Onemain, Po Box 1010,
 Evansville, IN 47706-1010
 14764998 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 14 2018 02:14:07
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14792816 +E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 14 2018 01:57:21 Premier Bankcard, Llc,
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
 14771656 +E-mail/Text: electronicbkydocs@nelnet.net Aug 14 2018 01:57:14 U.S. Department of Education,
 C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911
 14797441 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Aug 14 2018 02:03:41 Verizon,
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 14764617 +E-mail/Text: bnc-bluestem@quantum3group.com Aug 14 2018 01:57:34 Webbank/fingerhut,
 6250 Ridgewood Road, Saint Cloud, MN 56303-0820

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr AmeriHome Mortgage Company, LLC,
 cr Amerihome Mortgage Company, LLC
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 15, 2018

Signature: /s/Joseph Speetjens

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 23

Date Rcvd: Aug 13, 2018

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 13, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Amerihome Mortgage Company, LLC bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor AmeriHome Mortgage Company, LLC,
bkgroup@kmlawgroup.com
Jodi L. Hause on behalf of Creditor AmeriHome Mortgage Company, LLC,
jodi.hause@phelanhallinan.com, pawb@fedphe.com
Kenneth P. Seitz on behalf of Joint Debtor Leah M Altemus thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor Douglas S Altemus thedebterasers@aol.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 8